

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE APRIL 21, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 960

Introduced by Senator Simitian

February 22, 2005

~~An act relating to tidelands and submerged lands of the City of Santa Cruz. An act to amend Section 25131 of the Health and Safety Code, relating to hazardous waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 960, as amended, Simitian. ~~Tidelands; exchange; City of Santa Cruz. Hazardous waste; research database.~~

Existing law requires the Department of Toxic Substances Control to assemble and annually update a bibliographic cross-referenced database containing certain information on known hazardous waste research programs, including the specific problems that the research is designed to address.

This bill would additionally require the database to include research on the use of substitute materials posing lesser hazards to the public health and the environment, identified as specified.

~~Existing law grants to the City of Santa Cruz all the right, title, and interest of the State of California in and to certain tidelands and submerged lands in trust for certain purposes.~~

~~This bill would authorize the City of Santa Cruz, with the approval of the California State Lands Commission, to enter into a land exchange agreement, as a part of a settlement of a title dispute regarding the ownership of tidelands and submerged lands, as long as~~

~~the tide and submerged land to be exchanged meets certain conditions, as specified.~~

~~The bill would authorize a party to the land exchange agreement to bring an action to quiet title within 90 days after the recording of the agreement.~~

~~The bill would also authorize a person who is not a party to the land exchange agreement to bring an action challenging the validity of the agreement within 180 days after the recording of the agreement.~~

~~This bill would declare that, due to the unique circumstances pertaining to the tide and submerged lands described in the bill, a general statute within the meaning of specific provision of the California Constitution cannot be made applicable and a special statute is necessary.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 25131 of the Health and Safety Code is*
- 2 *amended to read:*
- 3 25131. (a) The department shall assemble a bibliographic
- 4 cross-referenced ~~data based~~*database* containing all of the
- 5 following information on known hazardous waste research
- 6 programs ~~which~~ *that* are ongoing within the state:
- 7 (1) The institution or organization sponsoring the research
- 8 program.
- 9 (2) The principal investigators conducting the research.
- 10 (3) A brief description of the research, including anticipated
- 11 applications of the resulting information.
- 12 (4) The specific problems facing hazardous waste generators
- 13 that the research is designed to address, including, but not limited
- 14 to, specific hazardous waste streams ~~or~~, specific production
- 15 processes, *or the use of substitute materials posing lesser*
- 16 *hazards to the public health and the environment identified by*
- 17 *the Lowell Center for Sustainable Production at the University of*
- 18 *Massachusetts.*
- 19 (5) A summary of results already achieved by the research
- 20 program.
- 21 (6) The date on which the program began, and its expected
- 22 completion date.

(b) The department shall update the ~~data-base database~~ annually, and the department shall make the information in the ~~data-base database~~ available to the public at a cost not greater than the department's printing and mailing costs.

SECTION 1. ~~As used in this act, the following definitions apply:~~

(a) ~~"City" means the City of Santa Cruz, a municipal corporation of the State of California, in Santa Cruz County.~~

(b) ~~"Commission" means the California State Lands Commission.~~

(c) ~~"Exchange area" means those portions of the lands granted by the legislative grants to the City of Santa Cruz that lie westerly of the east bank of the San Lorenzo River and easterly of Point Santa Cruz.~~

(d) ~~"Legislative grants" means those certain grants of salt marsh, tidelands, and submerged lands to the city as found in Chapter 342 of the Statutes of 1872 and Chapter 1291 of the Statutes of 1969.~~

(e) ~~"Person" means an individual, entity, corporation, state agency, political subdivision, the United States, or any agency thereof.~~

(f) ~~"Public trust" means the public trust for commerce, navigation, and fisheries, water-oriented recreation, and preservation of land in a natural state.~~

SEC. 2. (a) ~~Subject to the requirements for approval by the commission specified in subdivision (b), whenever there is a title dispute regarding the ownership of tide and submerged lands within the exchange area and it is determined by the city that any portions of the tide or submerged lands within the exchange area granted to the city by the legislative grants have been filled and reclaimed, cut off from access to the waters of the Pacific Ocean, Monterey Bay, or the San Lorenzo River, constitute a relatively small portion of the tide and submerged lands granted to the city, and are no longer needed or required for the promotion of the public trust and the legislative grants, and that there will not be a substantial interference with public trust uses and uses under the legislative grants, the city may, as a part of a settlement of ownership issues, terminate the public trust and the terms and conditions of the legislative grants over those portions of the tide and submerged lands and exchange those portions of the tide and~~

1 submerged lands, or any interest in those lands, with a person for
2 lands or interests in lands of equal or greater value, provided that
3 those lands or interests in lands are confirmed as lands subject to
4 the public trust and to the terms and conditions of the legislative
5 grants.

6 (b) ~~An exchange and trust termination under subdivision (a)~~
7 ~~shall not be effective until the commission, at a regular or special~~
8 ~~meeting with the proposed exchange and trust termination as a~~
9 ~~scheduled agenda item, does both of the following:~~

10 (1) ~~Finds that the lands or interests in lands to be acquired by~~
11 ~~the city and the value of the public trust interest to be confirmed~~
12 ~~or acquired through the exchange and trust termination are of a~~
13 ~~value equal to or greater than the value of the tide and submerged~~
14 ~~lands for which they are to be exchanged and the value of the tide~~
15 ~~and submerged lands over which the public trust and the terms~~
16 ~~and conditions of the legislative grants will be terminated. In~~
17 ~~making this finding, the commission, and the city acting pursuant~~
18 ~~to this section may consider the facts, law, and equities bearing~~
19 ~~upon the title dispute regarding the tide and submerged lands~~
20 ~~involved.~~

21 (2) ~~Adopts a resolution approving the proposed exchange and~~
22 ~~trust termination, which finds and declares that the tide and~~
23 ~~submerged lands to be exchanged and over which the public trust~~
24 ~~and the terms and conditions of the legislative grants will be~~
25 ~~terminated have been filled and reclaimed, are cut off from~~
26 ~~access to the waters of the Pacific Ocean, Monterey Bay, or the~~
27 ~~San Lorenzo River, constitute a relatively small portion of the~~
28 ~~tide and submerged lands granted to the city, and are no longer~~
29 ~~needed or required for the promotion of the public trust and the~~
30 ~~legislative grants; and that there will not be a substantial~~
31 ~~interference with the public trust uses and purposes that will~~
32 ~~ensue by virtue of the exchange of the trust lands and the trust~~
33 ~~termination. As to any such exchange and trust termination, upon~~
34 ~~the close of escrow, the tide and submerged lands to be~~
35 ~~exchanged and with respect to which the public trust and the~~
36 ~~terms and conditions of the legislative grants are to be terminated~~
37 ~~shall thereupon be free from the public trust and the terms and~~
38 ~~conditions of the legislative grants.~~

39 (c) ~~Any lands or interests in lands acquired or confirmed as~~
40 ~~public trust lands shall, upon completion of the exchange and~~

1 ~~trust termination and recording of its implementing conveyances,~~
2 ~~thereafter be held by the city as lands subject to the public trust~~
3 ~~and to the terms and conditions of the legislative grants.~~

4 ~~(d) The provisions of this act are not exclusive with respect to~~
5 ~~the settlement or litigation of titles and boundaries of lands~~
6 ~~within lands granted to the city by the legislative grants.~~

7 ~~(e) The precise boundaries of the lands to be taken out of the~~
8 ~~public trust and the lands to be put into the trust or confirmed as~~
9 ~~public trust lands pursuant to an exchange or settlement under~~
10 ~~this section shall be determined by the city, subject to the~~
11 ~~approval of the commission.~~

12 ~~SEC. 3. The city, with the approval of the commission, may~~
13 ~~settle by agreement with any person, any disputes as to the~~
14 ~~location of the ordinary high or ordinary low water mark, the~~
15 ~~boundaries of tidelands conveyed into private ownership~~
16 ~~pursuant to various statutes, and any other boundary lines within~~
17 ~~or along the exchange area as the city and commission deem~~
18 ~~necessary.~~

19 ~~SEC. 4. For purposes of effectuating the exchange or trust~~
20 ~~termination authorized by this act, the commission may do all of~~
21 ~~the following:~~

22 ~~(a) Receive and accept on behalf of the state any lands or~~
23 ~~interest in lands conveyed to the state by the trustee, including~~
24 ~~lands that are now and that will remain subject to the public trust.~~

25 ~~(b) Convey by patent all of the right, title, and interest of the~~
26 ~~state in lands that are to be free of the public trust upon~~
27 ~~completion of an exchange of lands as authorized by this act and~~
28 ~~as approved by the commission.~~

29 ~~(c) Convey to the trustee by patent all of the right, title, and~~
30 ~~interest of the state in lands that are to be subject to the public~~
31 ~~trust and the terms of this act upon completion of an exchange of~~
32 ~~lands as authorized by this act and as approved by the~~
33 ~~commission, subject to the terms, conditions, and reservations as~~
34 ~~the commission may determine are necessary to meet the~~
35 ~~requirements of this act.~~

36 ~~SEC. 5. (a) Any party to an exchange and trust termination~~
37 ~~agreement or a boundary line agreement entered into pursuant to~~
38 ~~this act may bring an action under Chapter 4 (commencing with~~
39 ~~Section 760.010) of Title 10 of Part 2 of the Code of Civil~~
40 ~~Procedure to quiet title and to confirm the validity of that~~

1 agreement as if the agreement had been entered into pursuant to
2 Section 6307 or 6357 of the Public Resources Code. No action
3 shall be brought later than 90 days after the recording of the
4 executed agreement.

5 (b) Notwithstanding subdivision (b) of Section 764.080 of the
6 Code of Civil Procedure, a person not a party to an exchange and
7 trust termination agreement or to a boundary line agreement
8 entered into pursuant to this act seeking to bring an action
9 challenging the validity of the agreement, shall file that action no
10 later than 180 days after the recording of the executed agreement.

11 (c) Any exchange and trust termination agreement or boundary
12 line agreement entered into pursuant to this act shall be
13 conclusively presumed to be valid, unless held invalid in an
14 appropriate proceeding in a court of competent jurisdiction
15 commenced within the time limits specified in this section.

16 SEC. 6. The Legislature finds and declares that, because of
17 the unique circumstances applicable only to the tide and
18 submerged lands described in this act, a statute of general
19 applicability cannot be enacted within the meaning of
20 subdivision (b) of Section 16 of Article IV of the California
21 Constitution. Therefore, this special statute is necessary.